

1 A I know I didn't speak with Jeff Ramirez.

2 Q Now, there's another portion of the two
3 exhibits that I would like to compare and talk with
4 you about. The first is from SFUSD Exhibit 21. It's
5 page 5 and it is the portion that begins after the "a"
6 and then the close paren "details."

7 A One moment.

8 Q "A very large number of KALW's programs
9 contains significant treatments of issues of
10 importance in the San Francisco community. Series
11 such as City Visions, which explores issues relating
12 to health care, the environment, the economy and
13 government in the Bay area; Your Legal Rights, AIDS
14 Update and Outright Radio as well as many individual
15 public affairs and documentary programs (including the
16 Board of Education meetings which are broadcast live)
17 provide significant treatment of public issues of
18 great importance to the community including but not
19 limited to the public education of its children.

20 Although the present management of KALW
21 was unable to find discrete specifically prepared
22 programs lists such as the attached list for the last
23 quarter of 1997 for the period in question, what they
24 found instead however for each quarter of the period
25 in question was a copy of KALW's Quarterly Program

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1 Guide. The Program Guide provides all the required
2 information regarding programs that provide
3 significant treatment of issues of public importance
4 during the quarter, including the time, date, title
5 and duration of all such programs.

6 Also included in this file for each
7 quarter in the period are lists of issues of public
8 importance that received significant treatment in
9 programs provided to KALW by National Public Radio.

10 SFUSD believes that all these materials
11 were also present in the file on August 1, 1997 and
12 that they constitute another basis for recognizing
13 compliance with the requirements of then §73.3527."

14 Now, when we look at EB Exhibit 34 at page
15 5 --

16 MR. DUNCAN: Page 5 or page 6.

17 MR. SHOOK: Beginning at page 5. Down at
18 the bottom, the paragraph that begins with "However."

19 MR. DUNCAN: Go ahead. Sorry.

20 BY MR. SHOOK:

21 Q And the paragraph that I'm interested in
22 reads as follows: "However, when KALW's present
23 management reviewed the issues/programs list file for
24 the period in question in connection with making its
25 response to the Bureau's inquiry letter they did not

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1 find for each and every quarter during that period
2 specifically prepared lists with respect to all
3 locally produced programs, but only the nationally
4 produced NPR issues/programs lists.

5 Also missing from the file was the
6 original of an issues/programs list for the program
7 City Visions covering the last quarter of 1997. That
8 list had been faxed to counsel in January 1998 just
9 prior to the original being placed in the issues/
10 programs list file but was no longer there.
11 Fortunately, counsel retained a faxed copy which has
12 been enclosed as an exhibit to inquiry response 2.

13 "SFUSD and KALW's present management," in
14 case you're wondering I'm continuing to read on page
15 6.

16 A Okay.

17 Q "Are unable to explain what may have
18 happened to this or any other missing lists with
19 respect to its locally produced programs.
20 Significantly, however, KALW management has discovered
21 that the public inspection file is presently missing
22 one other particular document which should have been
23 there, a three page listing that summarized
24 significant local issues that had been presented by
25 KALW program producers during the period from June

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1 1995 through July 1995. This list had been in the
2 file in July 1997. In fact, a copy of the document in
3 question had been provided to the Commission as an
4 attachment to Golden Gate Public Radio's Petition to
5 Deny (See Exhibit O to the Petition to Deny filed
6 November 3, 1997 but served on SFUSD on December 11,
7 1997).

8 In an affidavit attached to that pleading
9 Jason Lopez asserted that he found the document in
10 KALW's public inspection file on July 28, 1997. SFUSD
11 finds it curious and disturbing that this and other
12 documents seem to be missing at the present time from
13 its public inspection file and cannot account for
14 these strange discrepancies."

15 Now, in terms of the version that was
16 actually sent to the Commission, that's EB Exhibit 34,
17 from the portion that I just read to you first of all,
18 did you have any roll in providing the information
19 that appears in the portion of EB 34 that I just read
20 to you?

21 MR. DUNCAN: Your Honor, can we --

22 (Laughter).

23 JUDGE SIPPEL: Yes? We'll go off the
24 record.

25 (Whereupon, at 10:04 a.m. off the record

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1 until 10:17 a.m.)

2 MR. SHOOK: Given the delay, I'm afraid
3 I'm just going to start over with where I was. And in
4 fact, as a result of the delay, I had an opportunity
5 to figure out that I actually read the wrong portion
6 from SFUSD Exhibit 21.

7 (Laughter).

8 MR. SHOOK: So, in fairness to the
9 witness, I'm going to start over.

10 MR. DUNCAN: No one else noticed.

11 MR. SHOOK: You would have picked it up
12 eventually.

13 MS. LEAVITT: How would you know.

14 MR. SHOOK: All right.

15 BY MR. SHOOK:

16 Q In any event, the portion of SFUSD 21 that
17 I want to focus on right now and that's the draft, is
18 in response to the question 2 first portion of it
19 which says "Issues/programs lists first inquiry on
20 August 1, 1997 KALW public inspection file contained
21 all the issues/program lists required by then
22 §73.3627."

23 The second paragraph of that response
24 reads as follows --

25 A I'm sorry. Can you tell me what page

1 you're on?

2 A Yes. That appears on the top of page 5 of
3 SFUSD Exhibit 21, it's the first full paragraph.

4 A Is that the paragraph that says "However,
5 when...?"

6 Q Yes. And it reads as follows: "However,
7 when KALW's present management reviewed the
8 issues/programs lists for the period in question in
9 connection with its inquiry by the Bureau, they did
10 not find any such lists in that file. Also missing
11 from the file was the original of an issues/programs
12 list for the program City Visions for the last quarter
13 of 1997. That list (a copy of which is enclosed) had
14 been faxed to counsel in January 1998 prior to the
15 original being placed in the issues.programs list
16 file.

17 KALW's present management and SFUSD are
18 unable to explain what may have happened to the
19 missing lists."

20 The version that ultimately was sent to
21 the Commission, EB 34, that portion of the letter
22 which begins at the bottom of page 5 and carries over
23 to page 6 reads as follows: "However, "However, when
24 KALW's present management reviewed the issues/programs
25 list file for the period in question in connection

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1 with making its response to the Bureau's inquiry
2 letter they did not find for each and every quarter
3 during that period specifically prepared lists with
4 respect to all locally produced programs, but only the
5 nationally produced NPR issues/programs lists.

6 Also missing from the file was the
7 original of an issues/programs list for the program
8 City Visions covering the last quarter of 1997. That
9 list had been faxed to counsel in January 1998 just
10 prior to the original being placed in the issues/
11 programs list file but was no longer there.
12 Fortunately, counsel retained a faxed copy which has
13 been enclosed as an exhibit to inquiry response 2."

14 New paragraph. "SFUSD and KALW's present
15 management are unable to explain what may have
16 happened to this or any other missing lists with
17 respect to its locally produced programs.
18 Significantly, however, KALW management has discovered
19 that the public inspection file is presently missing
20 one other particular document which should have been
21 there, a three page listing that summarized
22 significantly local issues that had been presented by
23 KALW program producers during the period from June
24 1995 through July 1997. This list had been in the
25 file in July 1997. In fact, a copy of the document in

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1 question had been provided to the Commission as an
2 attachment to Golden Gate Public Radio's Petition to
3 Deny (See Exhibit 0 to the Petition to Deny filed
4 November 3, 1997 but served on SFUSD on December 11,
5 1997).

6 In an affidavit attached to that pleading
7 Jason Lopez asserted that he found the document in
8 KALW's public inspection file on July 28, 1997. SFUSD
9 finds it curious and disturbing that this and other
10 documents seem to be missing at the present time from
11 its public inspection file and cannot account for
12 these strange discrepancies."

13 Now, first of all, I take it that you
14 noticed that the one paragraph that appeared in SFUSD
15 Exhibit 21 has been expanded to two paragraphs in EB
16 Exhibit 34? You noticed that?

17 A Yes, I see that it's two paragraph.

18 Q Now, in terms of the reference in EB
19 Exhibit 34 which the first sentence that I read to you
20 from that reads: "However, when KALW's present
21 management reviewed the issues/programs list file for
22 the period in question in connection" and then there
23 appears to be a word missing "making its response to
24 the Bureau's inquiry letter, they did not find for
25 each and every quarter during that period specifically

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1 prepared lists with respect to all locally produced
2 programs, but only nationally produced NPR issues/
3 programs, program lists."

4 Now, is that sentence accurate?

5 A I would have to say that that sentence in
6 the -- you're talking about in the final that was --
7 the sentence that appears here in the final?

8 Q Yes, sir.

9 A Is -- is not accurate. I had spoken -- I
10 had spoken to the attorneys subsequent to the FCC's
11 letter, I had as it says here inspected the file, told
12 them what I had found -- what condition I had found
13 and what documents -- what I had found in the file.
14 If I -- as I think I stated just earlier this morning,
15 you know, I hadn't -- I hadn't seen a copy of the
16 final before it apparently was filed. If I had
17 received a copy and been able to review it, I believe
18 I would have caught that mistake. I certainly at no
19 time told our attorneys that that's what I found in
20 the file when I initially looked in it, the NRP
21 programs list. The NPR programs lists were in there
22 because I know that as part of the work I was doing in
23 February and March, I mean we -- we went and collected
24 that data and put it in as well as we could to bring
25 the file up to date now, which is what the attorneys

1 had requested that I do.

2 Q Now, did there come a time when you did
3 read the letter that was sent to the Commission, EB
4 Exhibit 34?

5 A I don't at this time recall the first time
6 that I saw it. I do recall, and certainly in
7 preparing for this hearing, I reviewed it along with
8 the draft. But I can't say that I saw it before it
9 was filed or -- and I don't know when a copy of -- the
10 final copy was delivered to the radio station.

11 Q Now the second paragraph of what I read to
12 you from EB 34 goes on to state that the KALW
13 management has discovered that the public inspection
14 file is presently missing and then it goes on to say
15 what it was that was missing. That was the document
16 that had appeared as Exhibit 0 to the Petition to
17 Deny. And you recall what Exhibit 0 to the Petition
18 to Deny contained?

19 A Before answering that, I'd like to see it.
20 I --

21 Q Well, it's described here. Why don't I
22 describe it to you here?

23 A Okay. Yes, I don't -- I don't -- I want
24 to--

25 Q "A three page listing that summarized

1 significant local issues that have been presented to
2 *KALW program producers during the period from June*
3 1995 through July 1997. In fact, a copy of the
4 document in question had been provided to the
5 Commission as attachment to Golden Gate Public Radio's
6 Petition to Deny (See Exhibit 0 to the Petition to
7 Deny filed November 3, 1997 but served on SFUSD on
8 December 11, 1997.) In an affidavit attached to that
9 pleading Jason Lopez asserted that he found the
10 document in KALW's public inspection file on July 29,
11 1997.

12 My question really is were you the source
13 of the information that that exhibit from Petition to
14 Deny was missing from the KALW public inspection file?

15 MR. DUNCAN: Your Honor, he's asked to see
16 the document. I'd like to show it to him so he knows
17 what we're talking about here, if that's okay.

18 JUDGE SIPPEL: Certainly.

19 MR. DUNCAN: It is EB Exhibit 5, 3 pages.

20 THE WITNESS: Okay. I've -- I've reviewed
21 the document.

22 BY MR. SHOOK:

23 Q Right. My question is were you the source
24 of the information for EB Exhibit 34's assertion that
25 the three page document that you have in front of you

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1 that was Exhibit 0 to the Petition to Deny was missing
2 from the public file when you started looking at the
3 public file in February or March of 2001?

4 A I -- not -- I don't recall if I was the
5 source of that information or if it was someone else
6 who reviewed the public -- who was reviewing the
7 public file. Although I certainly did review the
8 public file subsequent -- in -- I was inspecting the
9 public file in February of '01 certainly. And I
10 reported back to the attorneys what I found and what
11 I didn't find.

12 Q Okay. Well, the sentence reads:
13 "Significantly, however, KALW management has
14 discovered that the public inspection file is
15 presently missing one other particular document which
16 should have been there."

17 Now management at this point you and Ms.
18 Sawaya?

19 A At the station that what was constituted
20 management, yes.

21 Q And does that help you recall whether you
22 were the person who determined that the three page
23 document that we all have come to know Exhibit 0 to
24 the Petition was missing?

25 A Again, I don't recall specifically telling

1 him about any specific piece of paper being there or
2 not being there. I specifically -- I do recall in
3 February letting them know the results of my
4 inspection of the public file subsequent to getting
5 the FCC letter.

6 Q All right. Yes. What I'm trying to do is
7 focus on the events of April 3, April 4 and April 5.
8 The SFUSD 21 was sent to you and to a number of others
9 on April 3. And you testified that you either received
10 that document late on April 3 or you didn't look at
11 it, receive it and look at it until the morning of
12 April 4.

13 The letter to the FCC is dated April 5,
14 one or at most two days later. And I just read to you
15 the portion of SFUSD 21 and the information about the
16 missing document was not in the draft. So somehow it
17 made it into the final version and I'm just trying to
18 find out whether you were the person who was the
19 source of the information.

20 A Well, what I would say is that I was -- I
21 certainly reported from the period of subsequent to
22 getting the FCC's letter in February of '01 when I --
23 when I spoke with the attorneys and on their counsel
24 inspected the file and reported back to them what I
25 found in the file. Up until that time they may have--

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1 they have determined at some point on April 5th to add
2 that in. I may have given them that information
3 regarding Exhibit -- the three page exhibit in
4 February or March. But I don't recall specifically
5 giving it to them subsequent to getting the draft on
6 April -- on April 3 or April 4.

7 Q Okay. I'd now like to focus your
8 attention on different portions of the draft and then
9 the letter that went to the FCC. Okay.

10 The portion from SFUSD's Exhibit 21 that
11 I would like to focus your attention on is the
12 response given to the question issues/programs lists,
13 second inquiry, did any lists that were in the file
14 contain information required by §73.4527.

15 A Can you tell me which page you're going to
16 be going to?

17 Q Yes. I'm on page 5. And the part I'm
18 starting to read from is the response that I just
19 mentioned which appears about one-third of the way
20 down the page. It reads as follows: "Response.
21 SFUSD and the present management of KALW believe that
22 all lists in the issues/program list file contain
23 information required by then §73.3527 but, as stated
24 above, cannot not presently account for the missing
25 lists." And then it goes on "A Details. A very large

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1 number of KALW's programs contain significant
2 treatments of issues of importance in the San
3 Francisco community. Series such as City Visions,
4 which explores issues relating to health care, the
5 environment, the economy and government in the Bay
6 area; Your Legal Rights, AIDS Update and Outright
7 Radio as well as many individual public affairs and
8 documentary programs (including the Board of Education
9 meetings which are broadcast live) provide significant
10 treatment of public issues of great importance to the
11 community including but not limited to the public
12 education of its children.

13 Although the present management of KALW
14 was unable to find discrete specifically prepared
15 programs lists such as the attached list for the last
16 quarter of 1997 for the period in question, what they
17 found instead however for each quarter of the period
18 in question was a copy of KALW's Quarterly Program
19 Guide. The Program Guide provides all the required
20 information regarding programs that provide
21 significant treatment of issues of public importance
22 during the quarter, including the time, date, title
23 and duration of all such programs.

24 Also included in this file for each
25 quarter in the period are lists of issues of public

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1 importance that received significant treatment in
2 *programs provided to KALW by National Public Radio.*

3 SFUSD believes that all these materials
4 were also present in the file on August 1, 1997 and
5 that they constitute another basis for recognizing
6 compliance with the requirements of then §73.3527."

7 When you look at EB Exhibit 34 and the
8 portion that I'm going to read to you begins in the
9 middle of page 6 following the inquiry,
10 issues/programs lists second inquiry did any lists
11 that were in the file contain information required by
12 §73.3527? Response: "SFUSD and the present
13 management of KALW believe that its issues/program
14 lists file contained all information required by then
15 §73.3527 but as stated above, cannot presently account
16 for a limited number of lists of significant issues
17 that were treated in locally produced programs.

18 A. Details. A very large number of KALW's
19 locally produced programs contain significant
20 treatments of issues of importance in the San
21 Francisco community. Series such as City Visions
22 (which explores issues relating to health care, the
23 environment, the economy and government in the Bay
24 area); Your Legal Rights, AIDS Update and Outright
25 Radio as well as many individual public affairs and

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1 documentary programs (including the Board of Education
2 *meetings which are broadcast live*) provide significant
3 treatment of public issues of great importance to the
4 community including but not limited to the public
5 education of its children.

6 Likewise, KALW broadcasts a number of
7 National Public Radio (NPR) and Public Radio
8 International (PRI) programs which, although
9 nationally produced and distributed, treat numerous
10 issues that are of great significance to the people of
11 San Francisco. Lists and other material regarding
12 both categories of programs are placed and maintained
13 in KALW's public file. Thus, while present management
14 of KALW did not find discrete specifically prepared
15 program lists for every quarter during the period in
16 question in a format that fits precisely with the
17 language used in §73.3527(a)(7). The file
18 nevertheless contains (and did contain on August 1,
19 2001)" which apparently is a typo "the documentation
20 required by the rule and form 303's certification."

21 The next paragraph "For each quarter of
22 the period in question the file contains at a minimum
23 the copy of KALW's quarterly Program Guide. The
24 Program Guide provides all required information
25 regarding programs, local and national that provided

1 significant treatment of issues of public importance
2 *during the quarter including the time, date, title and*
3 *duration of all such programs. Also included in this*
4 *file for each quarter in the period are lists of*
5 *issues of public importance that received significant*
6 *treatment in nationally programs provided to KALW by*
7 *National Public Radio.*

8 SFUSD believes and averse that these
9 materials were also present in the file on August 1,
10 1997. The NPR lists would in and of themselves be
11 sufficient to satisfy the rule even without the
12 extensive programming regarding the issues of public
13 importance that was produced KALW between 1991 and
14 1997. Taken together, these materials constitute
15 another basis for recognizing KALW's compliance with
16 the requirements of then §73.3527. They also fully
17 support Mr. Ramirez' certification regarding
18 'documentation required' by the rules"

19 Did you have any role in editing SFUSD
20 Exhibit 21 the portion that I just read to its final
21 version as it appears in EB Exhibit 34?

22 A I have no recollect of editing or drafting
23 that response. It was, as far as I know, drafted by
24 our attorneys.

25 Q Do you recall telling anyone in March or

1 April of 2001 that the NPR material had not been put
2 into the public file into March 2001?

3 A In conversations with our attorneys and
4 subsequent to getting the FCC Letter of Inquiry, in
5 conversations with them I told them we -- I asked them
6 first of all what are we supposed -- what do you want
7 from me to handle this? What information or what
8 actions do you need from me. I looked in -- I was --
9 what they told me was the FCC wants to make sure the
10 public file is fine now, complete. And to inspect the
11 public file. And I got back to them after inspecting
12 the public file. And I told them what I found. And
13 what they wanted me to do was bring the file up to
14 date and complete now. And that's -- that is what I
15 did.

16 The NPR lists that are referred to in here
17 were lists -- were documents that I placed into the
18 file that I didn't find there on my inspection in
19 February. And we collected that data and placed those
20 documents in the file during the period of March 2001.
21 Those documents actually are dated that date as well.
22 And that's what I referred -- that's what I told our
23 attorneys. That is what -- I told them the actions
24 that I was up to and what I did, and they concurred.
25 And if they had told me not to do that, I would have

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1 not done it. But -- and I told them the Program
2 Guides, they -- they concurred about the Program
3 Guides, that the Program Guides should be in the
4 public file as well. So I put the program -- I made
5 sure absolutely we had one for every quarter of the
6 period covered right up to current. It didn't stop at
7 '97. They wanted me to make sure that the public file
8 was up to date currently, and that's what I did.

9 I really didn't have -- I totally relied
10 on them for, you know, my actions regarding this
11 matter. And they took whatever information I reported
12 back to them what I had done. And if they had any
13 input, I -- I did whatever -- whatever they input they
14 gave me and followed it back.

15 And so -- and they used whatever
16 information I gave them to draft the responses that
17 they put in public, as long with what other
18 information they had.

19 Q All right. So to the extent that EB
20 Exhibit 34 asserts that NPR lists were in the file on
21 August 1, 1997, that assertion is incorrect?

22 A No. We -- I believe the answer that's
23 given there is that management believes that Jeffrey--
24 that we would concur with Jeffrey --

25 Q Okay. Please listen to my question.

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1 A I'm sorry. Yes.

2 Q I just want to make sure I understand.
3 The NPR lists were not in the public file on August 1,
4 1997?

5 MR. DUNCAN: Your Honor, he's attempting
6 to answer the question --

7 MR. SHOOK: Okay.

8 MR. DUNCAN: -- the way Mr. Shook has
9 asked it. If he's asking whether the NPR lists that
10 were added in 2001 were in the file in 1997, I'm sure
11 Mr. Helgeson has answered that question. But Mr.
12 Helgeson has testified that he doesn't know what was
13 in the file in 1997.

14 So I think Mr. Helgeson is struggling with
15 the phrasing of the question because it's not -- he's
16 talking generally about NPR lists as opposed to about
17 documents, specific documents.

18 MR. SHOOK: I'm perfectly happy -- if Mr.
19 Helgeson can tell us one way or the other whether NPR
20 lists of any kind were in the public file on August 1,
21 1997, he can say so. If he doesn't know, he can say
22 so.

23 THE WITNESS: I have regarding whether
24 those -- whether NPR lists in the file on August of
25 1997, that I don't know. I only have the -- I have the

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1 certification of Jeff Ramirez saying that the public
2 file regarding the issues/programs lists was
3 satisfactory with the rules that I had expected he
4 knew of. The documents that were in the file in 2001
5 were there because I had placed them there; those
6 documents were in there.

7 I don't mean at all to infer one way or
8 another whether or not that meant they were or were
9 not in there in 1997. I only have Jeffrey Ramirez'
10 certification that the file was complete and up to
11 date. And my attorneys, the Sanchez attorneys
12 certainly were interacting with Jeff Ramirez at that
13 time in '97.

14 So -- and since I hadn't spoken with Jeff
15 Ramirez in the period of 2001, I -- I don't if he had
16 -- if he would have concurred or not.

17 BY MR. SHOOK:

18 Q So in the sentence that reads: "SFUSD
19 believes and averses that these materials were present
20 in the file in August 1, 1997 are you telling us that
21 your belief was based solely on Mr. Ramirez'
22 certification?

23 A Yes. At this time I -- in 1997 I had no
24 independent -- independent inspection of the public
25 file of what or wasn't in there in 1997. So I agree

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1 with -- my only thing I could do is agree with what
2 Jeff had certified to in '97.

3 JUDGE SIPPEL: Your answer yes would have
4 been more adequate.

5 THE WITNESS: Thank you.

6 BY MR. SHOOK:

7 Q Likewise with respect to the Program
8 Guides, to your understanding is EB 34 telling the
9 Commission that the Program Guides were in the public
10 file on August 1, 1997 for all quarters during the
11 license term?

12 A Again, I only -- whatever Jeffrey Ramirez
13 asserted in his declaration -- in his -- what he
14 certified to in '97 was what we had to go on as far as
15 what was in the files in '97. We had no reason to
16 believe that Jeffrey -- I had no reason to believe
17 that Jeff was incorrect at that time.

18 Q So you never specifically told either Ms.
19 Jenkins or Mr. Sanchez that Program Guides were in the
20 public file on August 1, 1997?

21 A I would not have told them that because I
22 had no way of -- I didn't inspect the file in 1997 so
23 I couldn't in 2001 say that they were or weren't,
24 since I didn't inspect the file at -- in '97.

25 JUDGE SIPPEL: I think his knowledge of

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1 the '97 condition of the file is exhausted. Can we
2 find another to go into or --

3 MR. SHOOK: Yes.

4 BY MR. SHOOK:

5 Q I'd like to now read to you, and you
6 certainly read it to yourself, the last paragraph that
7 appears on page 7 of EB Exhibit 34.

8 A Okay.

9 JUDGE SIPPEL: We can go off the record
10 while he's reading.

11 (Whereupon, at 10:48 a.m. off the record
12 until 10:50 a.m.)

13 BY MR. SHOOK:

14 Q The paragraph makes reference to several
15 things that are going to be submitted in support of
16 the letter, and one of the documents that was to be
17 submitted was the KALW April, May, June 1997 Program
18 Guides.

19 Now, we'd already discussed briefly SFUSD
20 Exhibits 10 and 11 which reflected that you had faxed
21 and Fed Ex'ed a Program Guide to Mr. Sanchez, do you
22 recall that?

23 A Yes. I saw those.

24 Q Now, I want to direct your attention to EB
25 Exhibit 34, the attachment that is being referenced

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1 beginning at page 41, which appears to be the KALW
2 Program Guide for April, May and June 1997.

3 A One moment. Yes.

4 Q Now, do you see the Program Guide that
5 follows beginning at page 42 of the Exhibit?

6 A Page 42? Yes.

7 Q This one that says "Will the circle be
8 unbroken."

9 A Yes. Yes.

10 Q You got that?

11 A Yes, I do.

12 JUDGE SIPPEL: You got to give him more
13 directions.

14 BY MR. SHOOK:

15 Q You notice from looking at page 42 of EB
16 Exhibit 34 that it does not have "Bill's Copy" written
17 on it?

18 A I don't see the words "Bill's Copy" on
19 this one, no.

20 Q And does that help you recall whether the
21 version of the Program Guide that you sent to Mr.
22 Sanchez or Ms. Jenkins for inclusion with EB Exhibit
23 34 did or did not have "Bill's Copy" written on it?

24 A I don't recall if that was -- if we --
25 when I -- what I faxed them was Bill's Copy, the one

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